

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SUGIHARA ET AL.

Atty. Ref.: 1035-616 Conf: 2364

Serial No. 10/560,907

Group: 2131

Filed: December 16, 2005

Examiner: Phinazee, Sindney S.

For: SEMICONDUCTOR DEVICE, MANUFACTURING  
METHOD THEREOF, AND ELECTRONIC DEVICE

\* \* \* \* \*

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**ELECTION UNDER 35 USC §121**

In response to the Office Action dated August 22, 2007, Applicant(s) hereby elect Species d (upon which claims 3 - 5 are readable) for further substantive examination in the event that no generic claim is finally found to be allowable.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted species of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected species of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained for use with a possible divisional application. The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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